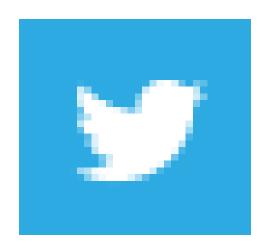
TOWN OF UPTON

SPECIAL TOWN MEETING 5 NOVEMBER 2019

2019 Special Town Meeting

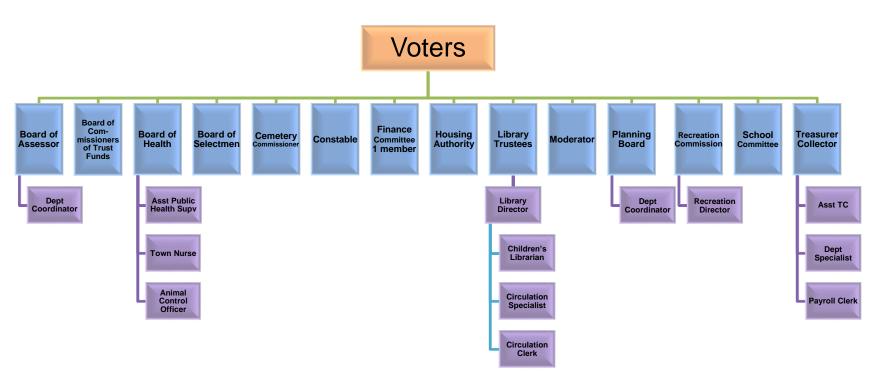


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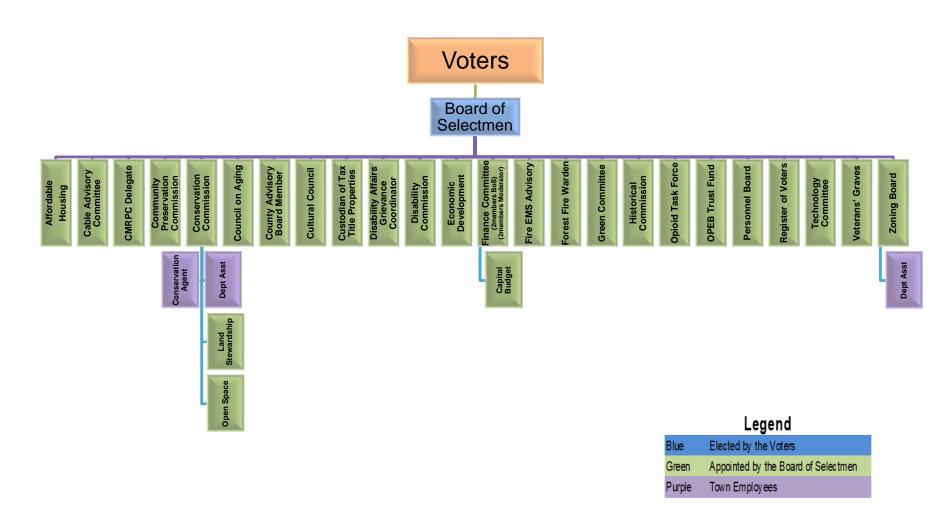
Town of Upton Elected Officials



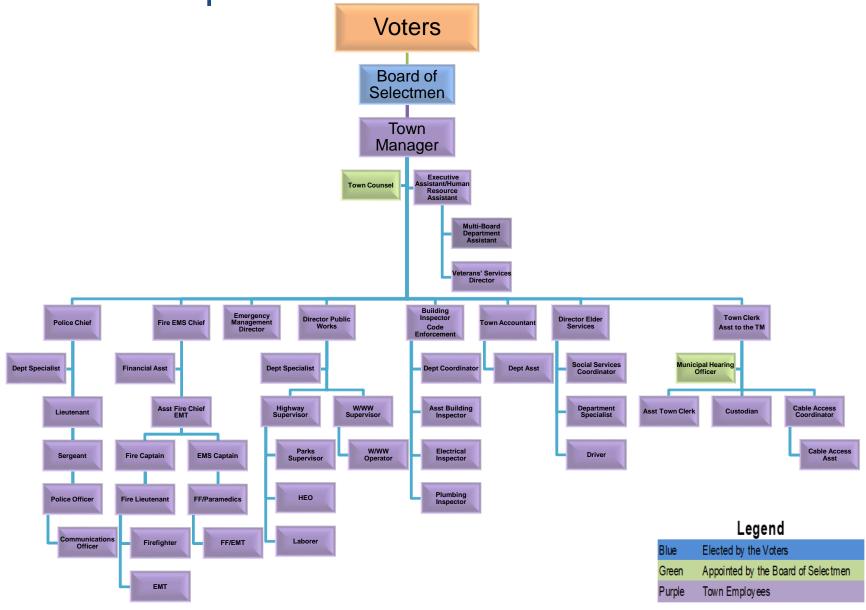
Legend

Blue	Elected by the Voters
Green	Appointed by the Board of Selectmen
Purple	Town Employees

Town of Upton Appointed Boards and Committees



Town of Upton



Article 1

- ARTICLE 1: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Five Thousand dollars (\$5,000), or any other sum, to supplement the Town's "Conservation Fund"; or, to take any other action relative thereto.
- Explanation/Submitted by: To provide additional funding for the Town's Conservation Fund. The Conservation Fund has been used most recently to pay for appraisals for land purchases such as the Robertson and the Kelly land adjacent to and inholdings within Peppercorn Conservation Area. Through the State Conservation Commission Act, the Conservation Commission can use these funds as it deems necessary. /Conservation Commission.
- Recommendation: Favorable Action/Finance Committee

Article 1 Motion

 I move that the Town vote to transfer from Free Cash the sum of Five Thousand dollars (\$5,000), to supplement the Town's "Conservation Fund".

Article 2A

 To see if the Town will vote to transfer from the Community Preservation Fund FY 2020 estimated revenues the sum set forth below to the following Community Preservation Fund accounts to meet the requirements of M.G.L.c.44B 6:

> Historic Resources Account \$47,200. Open Space Account \$47,200. Community Housing Account \$47,200.

and to place any remaining FY 2020 estimated annual revenues in a so-called "FY2020 Undesignated Budgeted Reserve", or, to take any other action relative thereto.

 Explanation/Submitted by: To set aside 10% of CPA FY2020 estimated annual revenues into each of the three standard reserve accounts as required by law, and to place the remainder into a FY2020 "undesignated" reserve/Community Preservation Committee

Article 2A Motion

 I move that the Town vote to transfer from the Community Preservation Fund FY2020 estimated annual revenues the sums set forth below to the following Community Preservation Fund accounts to meet the requirements of M.G.L. c.44B, §6:

> Historic Resources Account \$47,200. Open Space Account \$47,200. Community Housing Account \$47,200.

and to place any remaining FY 2020 estimated annual revenues in a so-called "FY2020 Undesignated Budgeted Reserve".

OR:

I move to approve Article 2A as printed in the warrant and shown on the screen.

Article 2B

- To see if the Town will vote to transfer the total sum of two hundred ninety-six thousand five hundred seventy-five dollars (\$296,575.00) from the Community Preservation Fund to meet the seventh year payment of debt service owed on the General Obligation Town Hall Renovation Bonds, with forty-seven thousand dollars (\$47,000.00) from the Community Preservation Historic Resources Account and two hundred forty-nine thousand five hundred seventy-five dollars (\$249,575.00) from the Community Preservation Undesignated Account, or, to take any other action relative thereto
- Explanation/Submitted by: To make the seventh-year principal and interest payments (with 13 years remaining) on the Town Hall bonds, to be paid from CPA monies consistent with the Town's vote to authorize the project / Community Preservation Committee
- Recommendation: Favorable Action/Finance Committee

Article 2B Motion

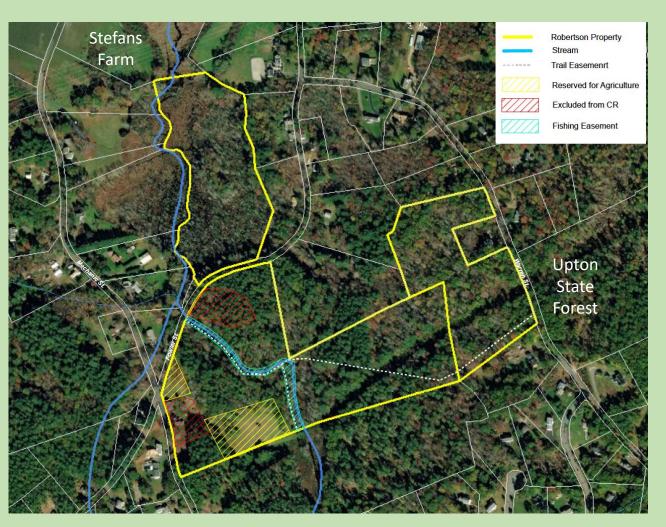
I move that the Town vote to transfer the total sum of two hundred ninety-six thousand five hundred seventy-five dollars (\$296,575.00) from the Community Preservation Fund to meet the sixth year payment of debt service owed on the General Obligation Town Hall Renovation Bonds, with forty-seven thousand dollars (\$47,000.00) from the Historic Resources Account and two hundred forty-nine thousand five hundred seventy-five dollars (\$249,575.00) from the Community Preservation Undesignated Account.

<u>OR:</u>

 I move to approve Article 2B as printed in the warrant and shown on the screen.

Article 2C

- To see if the Town will vote to authorize the Board of Selectmen, to acquire by gift, purchase, eminent domain or otherwise for conservation and passive recreation purposes the fee or lesser interest or interests, including a conservation restriction and trail and fishing easement, to be co-held with the Massachusetts Department of Conservation and Recreation, in land totaling 48 acres, more or less, located on Mechanic, Fowler and Warren Streets, and described on Assessors Map 14, Parcels 68 and 70 and on Assessors Map 15, Parcel 8, all as shown on a plan entitled "Robertson Property Preservation Plan" dated October 15, 2019; as on file with the Town Clerk; to be held in the care and custody of the Upton Conservation Commission in accordance with G.L. c.40, §8C, and for the preservation of such land or interests therein: that said Conservation Commission be authorized to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the LAND grant program, (formerly known as the Self-Help program), M.G.L. Chapter 132A, §11, the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897, and/or any other program that may provide funding for the acquisition and/or activities falling within the scope and intent of this article; and to execute, with approval of the Town Manager, all such agreements as may be necessary on the part of the Town to effect such acquisition and/or such reimbursement; and, as may be necessary, to authorize the Board of Selectmen to convey a conservation restriction in such property to a qualified entity in accordance with M.G.L. Chapter 44B, §12(a); and as funding therefor, to raise and appropriate, transfer from available funds, including the Community Preservation Fund or borrow pursuant to M.G.L. Chapter 44B, §11 or M.G.L. Chapter 44, §§7 or 8 or any other enabling authority the sum of \$410,715, and for the costs and expenses associated with the acquisition; provided, however, that the funds appropriated hereunder shall not be expended unless the Town is approved for a LAND grant from the Massachusetts Division of Conservation Services, or other grant program, or receives donations, totaling no less than \$234,429; or, to take any other action relative thereto.
- Explanation/ Submitted by: To purchase a Conservation Restriction and fishing and trail easements on 47.9 acres located off of Mechanic, Fowler and Warren Streets/Community Preservation Committee
- Recommendation: Unfavorable Action/Finance Committee/Capital Budget Committee



Project Description

Preserve 48 acres with frontage on Mechanic, Fowler and Warren

Purchase Conservation Restriction - right to permanently protect land

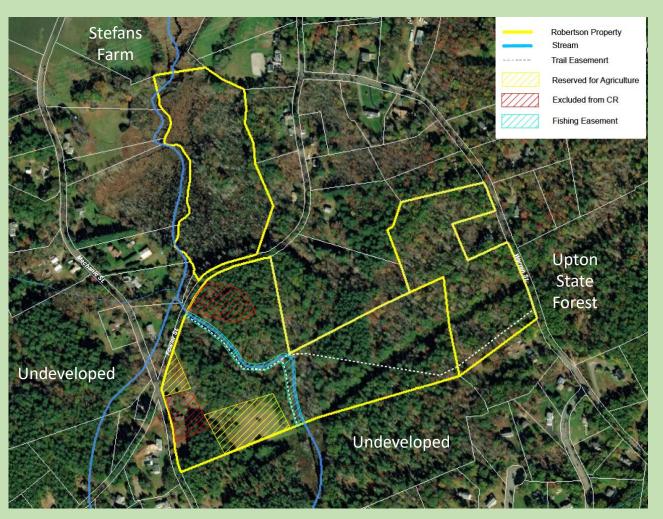
Co-own CR with Department of Conservation & Recreation

Permanent public access to trail and fishing easements

Owners pay property tax based on land's open space value

Bargain purchase price

Cost to town \$176,286 - 33% of project cost



Project Benefits

Protect natural resources:

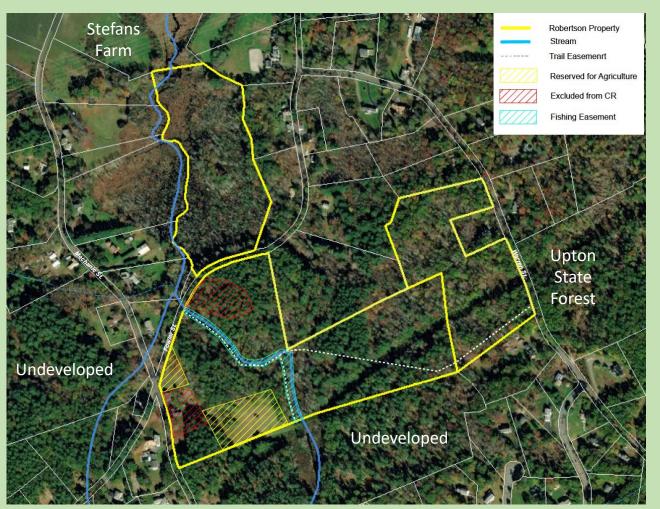
- Warren Brook, cold-water fishery and part of Upton water supply
- Area of Critical Environmental Concern
- BioMap2 Core Habitat
- Habitat for 3 rare species

Public access to easements for passive recreation

Opportunity to extend trails abuts Stefans Farm, Upton State Forest & other undeveloped land

Maintain Upton's rural character

Preserve historic mill site



Project Budget

Project Cost

Conservation Restriction Price	\$500,000	
CR Appraised Value	\$619,300	
Recording Fees	315	
Title Certification	400	
Survey	15,000	
Legal Fees	20,000	
	\$535.715	

Funding Sources

DCR Share CR	\$125,000		
Purchase			
Warrant Article	\$410,715		
LAND Grant	234,429		
Community	176,286		
Preservation Fund			
Total Funding	\$535,715		

Article 2C Motion

Article 3

- To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for general municipal purposes, a parcel of land, containing 0.17 acres, more or less, together with the buildings and improvements thereon, being Assessor's Map 201-074, located at 6 Main Street, described in a deed recorded with the Worcester South Registry of Deeds in Book 5046, Page 27, and, to raise and appropriate, transfer or borrow One Hundred Ninety-Five Thousand Dollars (\$195,000) for such purposes and all incidental and related expenses; and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, on such terms and conditions as the Board of Selectmen shall, in its discretion, deem reasonable, and to take all related actions necessary or appropriate to effectuate such acquisition, and the care, custody and maintenance of the improvements on the property, including the authority to demolish said improvements; or, to take any other action relative thereto.
- Explanation/Submitted by: The Board of Selectmen have entered into a purchase and sale
 agreement on the 6 Main Street property and would like to acquire the property per the Town
 Center vision adopted at the 2019 Annual Town Meeting. Once acquired, the Board of
 Selectmen intend on demolishing the building so that the property can be repurposed for
 another intended use/Board of Selectmen
- Recommendation: Favorable Action/Finance Committee/Capital Budget Committee

Article 3 Motion

 I move that the Town vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for general municipal purposes, a parcel of land, containing 0.17 acres, more or less, together with the buildings and improvements thereon, being Assessor's Map 201-074, located at 6 Main Street, and, transfer from Free Cash the sum of One Hundred Ninety-Five Thousand Dollars (\$195,000) for such purposes and all incidental and related expenses, including but not limited to demolition and site preparation; and further to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out the vote taken hereunder.

Article 4

- To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Seven Hundred Thousand dollars (\$700,000), or any other sum, to fund the procurement, design development, construction documents and bidding phases of design for the proposed construction of a Municipal Community Center building, and all incidental and related costs, and further to authorize the Board of Selectmen and appropriate Town officials to take all related actions necessary or appropriate to carry out the vote taken hereunder; such project to be managed by a Municipal Community Center Building Committee appointed by the Board of Selectmen, or to take any other action relative thereto.
- Explanation/Submitted by: To fund the remaining phases of design and bidding in order to finalize the building design and bring actual construction costs to a future Town Meeting for its approval/ Municipal Community Center Feasibility Committee
- Recommendation: Favorable Action/Capital Budget Committee

Municipal Community Center Feasibility Committee Report

- Committee has worked over the past year to determine a solution for the delivery of community services.
- Committee determined it would be advantageous for Library, Elder and Social Services to share a facility.
- Committee engaged an architect to produce conceptual designs for a new municipal building.



East elevation sketch Oct 2019 – T2 Architecture

"Sum of two departments is greater than the whole"

- Both the COA and Library facilities are over 40 years old.
- Facilities have insufficient square footage & infrastructure.
 - Population of Upton has doubled in those 40 years.
 - Library size per capita is 65th out of 70 in peer group of MA towns.
 - In 2018, over 2,500 people signed in at the Upton Center
- ACCESS BARRIERS in both facilities make them NOT ADA COMPLIANT.
- New facility will be a Community Gathering area for the Town.
- Hub for social services located in center of Town Anchor of the Downtown Vision.
- Two Departments with a shared mission will provide better services!

Advantages of this Conceptual Design

- Flexible, adaptable floorplan that meets current and future needs.
- Efficient, one-story layout that minimizes staff requirement.
- Residents can access multiple services at a single, convenient downtown location.
- Municipal Center public spaces for ALL residents to use.



Technology, Upton Lib. July 2019



Tutoring, Upton Lib. July 2019



Vestibule, Upton Center



Reading, Upton Lib. July 2019

Playground Site, Milford Street

- In September, Committee decided to present playground site as their recommendation to Town Meeting.
- Town-owned site saves purchase and development costs.
- Preserve 80% of existing playground.
- Currently 70 parking spots, new design has 40.
- Ability to partner with VFW to host community events.









Floor plan, Site plan and Elevations prepared by T2 Architecture, October 2019

Article 4 Motion

 I move that the Town vote transfer from Free Cash the sum of Seven Hundred Thousand Dollars (\$700,000) to fund the procurement, design development, construction documents and bidding phases of design for the proposed construction of a Municipal Community Center building, and further, that the Building Committee, appointed in accord with the Town Bylaws, under the direction of the Board of Selectmen, will at the conclusion of conceptual and schematic design phase meet with the Economic Development Committee, Finance Committee and Capital Budget Committee for review and recommendation to the Board of Selectmen for progression to the construction/bid document stage.

Next Steps

- Phase I will be a revision of the conceptual and schematic designs for playground parking lot site
- Review and approval by BOS to proceed
- Phase II will be development of construction/bid documents and solicitation of construction bids.
- Based on conceptual design, remaining estimated project cost is \$8.6 million. This estimate
 includes building construction, playground and parking lot construction, and contingency
 allowance.
- It is estimated the new building will add \$15 per year to the current average tax bill by replacing the retiring debt.
- At a future election, the Town will be asked to vote on a debt exclusion to fund construction and project costs.

Oct, 2019

Town Financing

• Total Cost \$9,300,000

• STM Request \$700,000

• Total balance \$8,600,00 (e.g. mortgage)

- Annual Debt payment Debt Exclusion
 - Level Service at 25 years \$536,000
 - Declining Debt at 25 years \$650,000
- Debt Exclusion is a temporary tax increase and goes away once debt obligation (mortgage) is paid in full.

Town Financing

• FY 19 retired debt exclusion \$123,000

• FY 20 retired debt exclusion \$372,00

• Total retired debt exclusion \$495,000

Proposed Debt Schedules over 25 years

*these figures represent the average tax increase based on FY19 tax rate of \$17.31 and avg. home valued \$420,000

Schedule Payment Options	Old Debt Retired	New Debt Issued	Total Net Increase	Avg. Tax Increase (NEW)
Level Debt Service	\$495,000	\$536,000	\$41,000	\$15.00 per year
Declining Debt Service	\$495,000	\$650,000	\$155,000	\$56.00 1st year only and decreases annually until year 25

Site Investigation

- Worked in conjunction with the downtown visioning process to determine suitable site options near the town government center.
- Options considered:
 - Knowlton-Risteen Building (2 Main Street)
 - Playground Parking Lot (Milford Street)
 - Private Land at 8 Grove Street
- Committee unanimously voted on August 1, 2019 "To recommend to Board of Selectmen to move forward with the conceptual design produced by T2 Architecture for 8 Grove St."

8 Grove Street, Upton MA

- Can support building and 13 parking spaces.
- Replaces existing buildings / previously disturbed area.
- Leaves prime retail locations on 140 available.
- Town sewer access.





Conceptual Design

- Departments submitted space needs totaling over 30,000 square feet.
- Combining multiple departments into a single building reduced requirements to 20,000 square feet.
- Committee worked with architect to achieve a final footprint of 14,000 sqft.
- Floorplan is single story, open plan, blends departments with unobtrusive profile.



Rainy day playdate, Upton Library July 2019



Great Room, Current Upton Center

Article 6

- To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, the sum of Twelve Thousand dollars (\$12,000), or, any other sum, to be used for the purchase of two replacement ambulance laptops and related equipment including all incidental and related expenses, or to take any other action relative thereto.
- Explanation/Submitted by: In order for the Fire Department continue to provide proper patient care and reporting the department must replace the two (2) existing ambulance laptop computers. These computers are more than 8 years old, and do not have the ability to be upgraded to Microsoft Windows 10. These devices are also what compiles and sends reports to our ambulance billing company to process for payments/Fire Department
- Recommendation: Favorable Action/Finance Committee

Article 6 Motion

 I move that the Town vote to transfer from Free Cash the sum of Twelve Thousand dollars (\$12,000), to be used for the purchase of two replacement ambulance laptops and related equipment, including all incidental and related expenses.

- To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Nine Thousand Five-Hundred dollars (\$9,500), or any other sum, to fund the payroll expenses of a Department Assistant position for the Treasurer/Collector's Office, or to take any other action relative thereto.
- Explanation/Submitted by: Staffing for the department has not changed since sometime prior to 1997. With the advent of electronic payments, an increase in population and motor vehicle excise billing severe stress has been placed on the department. /Treasurer/Collector
- Recommendation: Favorable Action/Finance Committee

Article 7 Motion

 I move that the Town vote to raise and appropriate the sum of Nine Thousand Five-Hundred dollars (\$9,500), to fund the payroll expenses of a Department Assistant position for the Treasurer/Collector's Office.

- To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay certain unpaid bills of a prior fiscal year, including the following:
- Deputy Collector Services

\$221.52

Public Works Expenses \$267.27

Or take any other action relative thereto.

- Explanation/Submitted by: There was \$221.52 of Deputy Collector services that occurred
 in FY2019 which was then subsequently invoiced in FY2020 after the 2019 closeout.
 Treasurer/Collector
- There is an outstanding invoice of \$267.52 from ZEP Supplies from as FY2019 delivery which was then subsequently invoiced in FY20 after the 2019 closeout/Department of Public Works
- Recommendation: Favorable Action/Finance Committee

Article 8 Motion

- I move that the Town vote to raise and appropriate the following sums of money to pay certain unpaid bills of a prior fiscal year:
- Deputy Collector Services \$221.52
- Public Works Expenses \$267.27

- To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Three Thousand Seven Hundred Ten dollars (\$3,710), or any other sum, as a grant match for the purchase of two (2) cardiac monitors/defibrillators, including all incidental and related expenses; or, to take any other action relative thereto.
- Explanation/Submitted by: The Upton Fire-EMS Department received \$94,762 grant award from FEMA through the Assistance to Firefighters Grant (AFG). The grant will be used to purchase two cardiac defibrillator monitors and provide funding for training for driving and pump operations of the Department's apparatus. The AFG requires a match from the Town of \$3,710 in order to receive the full award. The Fire Department cardiac monitors are more than 15 years old, and do not have the ability to monitor for carbon monoxide or end tidal CO2 levels in patients. This model monitor / defibrillator ceased production by the manufacturer in June of 2007 and will not be supported starting in February of 2020/Fire Department
- Recommendation: Favorable Action/Finance Committee

Article 9 Motion

 I move that the Town vote to transfer from Free Cash the sum of Three Thousand Seven Hundred Ten dollars (\$3,710), for the purchase of two (2) cardiac monitors/defibrillators, including all incidental and related expenses.

- To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum Seven Thousand Five-Hundred dollars (\$7,500), or any other sum, for purpose of providing Information Technology (IT) support services related to the security, support and maintenance of the Town's computers, servers, website, e-mail and related IT infrastructure, including all expenses incidental and related, or, to take any other action relative thereto.
- Explanation/Submitted by: With the recent ransomware attacks on municipalities and lack of IT expertise on staff, it is imperative our IT systems are protected from viruses, malware and ransom attacks. These monies will be used to extend firewall licenses and upgrade OS licenses for 2 servers. /Town Clerk-Asst to the Town Manager
- Recommendation: Favorable Action/Finance Committee

Article 10 Motion

• I move that the Town vote to raise and appropriate the sum of Seven Thousand Five-Hundred dollars (\$7,500), for the purpose of providing Information Technology (IT) support services related to the security, support and maintenance of the Town's computers, servers, website, e-mail and related IT infrastructure, including all expenses incidental and related.

- To see if the Town will vote to transfer from the Retained Earnings of the Wastewater Division and of the Water Division, the sum of Thirty Thousand One Hundred Ninety-Two dollars (\$30,192), or any other sum, for a total appropriation of \$60,384 to fund the salary and benefits of one (1) additional operator to be shared between the Water & Wastewater Divisions, or, to take any other action relative thereto.
- Explanation/Submitted by: The Department of Environmental Protection (DEP) performs annual inspections of the Upton Water & Wastewater Divisions. This is the second year in a row that the annual survey identified staffing issues within the Divisions. The DEP is strongly recommending the addition of two (2) full-time operators to be shared between the Water & Wastewater Divisions. Although DEP is recommending two additional staff, the Director is proposing an addition of just one at this time/Department of Public Works
- Recommendation: Favorable Action/Finance Committee

Article 11 Motion

• I move that the Town vote to transfer from the Retained Earnings of both the Wastewater Division and of the Water Division, the sum of Thirty Thousand One Hundred Ninety-Two dollars (\$30,192), for a total appropriation of \$60,384, to fund the salary and benefits of one (1) additional operator to be shared between the Water & Wastewater Divisions.

- To see if the Town will vote to transfer from the Water Division's Retained Earnings, the sum of One Hundred Twenty-Two Thousand dollars (\$122,000), or any other sum, to fund the Fowler Street Bridge Replacement Water Main Extension and associated work, including all incidental and related expenses or, to take any other action relative thereto.
- Explanation/Submitted by: The funding for this project was already voted and appropriated at the May 3, 2018 Annual Town Meeting as part of the Water Division's FY19 Capital Outlay. However, when the project was delayed due to permitting issues, the fiscal year ended before the money could be utilized, Therefore, the funds reverted back to the Water Division's Retained Earnings. The Fowler Street Bridge Replacement Project is now fully permitted and slated to go out to bid in early December/Department of Public Works
- Recommendation: Favorable Action/Finance Committee

Article 13 Motion

 I move that the Town vote to transfer from the Water Division's Retained Earnings, the sum of One Hundred Twenty-Two Thousand dollars (\$122,000), to fund the Fowler Street Bridge Replacement Water Main Extension and associated work, including all incidental and related expenses

 To see if the Town will vote to amend Title II, Chapter 1, Section 11 of the Town of Upton General Bylaws by inserting the underlined language and deleting the strikethrough language as follows:

Title # 2, Chapter 1, Section 11

When a question is put the sense of the meeting shall be determined by the voices thereon, and When a question is put, the vote shall be counted by electronic voting technology, if available. If electronic voting technology is not available, then the Moderator shall call for a voice vote and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote of the article or matter by sound of the voices, he shall determine the vote by ordering a show of hands or standing vote and may appoint tellers to make and return the count. A roll call shall be ordered by the Moderator if twenty members shall by rising to their places favor such motion. A ballot vote shall be taken at a regular or special

Town Meeting when a motion is made and seconded by seven (7) voters and is carried by a majority vote. Or, to take any other action relative thereto.

• Explanation/Submitted by: The Electronic Voting Committee has investigated the merits of using electronic voting during all Town Meetings (Annual and Special) and recommends that the town adopt this as the primary method of collecting the vote. Whenever electronic voting is not possible, due to equipment malfunction or power failure or any reason, the method of collecting the vote shall default to the current process. This is enabling legislation only. The amendment does not require that Town Meeting spend money. Amendment requires that electronic voting be used when available/Electronic Voting Committee

November 5, 2019

A Presentation of the Upton Electronic Voting Committee



MOTION-Article 14 (requires 2/3 majority)

To see if the Town will vote to amend Title II, Chapter 1 Section 11 of Upton General Bylaws by inserting the underlined language and deleting the strikethrough language as follows:

Title #2, Chapter 1, Section 11

When a question is put the sense of the meeting shall be determined by the voices thereon, and When a question is put, the vote shall be counted by electronic voting technology, if available. If electronic voting technology is not available then the Moderator shall call for a voice vote, and the Moderator shall call the vote as it appears to him.

Members of the committee Michelle Antinarelli Lyn Haggerty Al Holman Marcia Kasilowski Dave Loeper—Ex officio Steve Rakitin---through Aug. 29 March 2019—Present
Mission: ...to investigate the
mechanics and merits of electronic
voting for our town meetings

Dimensions of Study

- Accuracy
- Efficiency
- Privacy
- Costs
- Transparency
- Voter participation
- Policies and procedures
- Accessibility
- Workload/Support

Activities

- Anonymous Voter survey
- Observations of other Town Meetings
- Review of reports from other towns
- Sociological and scientific literature review
- Moderator & Town Clerk input from Upton and other towns using Electronic Voting (--Thanks, Dave and Kelly)

Merits of Electronic Voting in TM

- Efficient, precise, unbiased method to collect a private vote
- Reduces possibility of human error & intimidation
- Completes historical record & increases transparency
- Independent access for people with hearing impairments, visual impairments, speech & processing impairments)

Costs for 400 units

Vendor	Rental/ meeting	Purchase 400 units	Technical support
Options Tech	\$1837	\$9200+	\$4100+ per meeting
Turning Point	\$2095	\$17,198	\$1350+ per meeting
Meridia (lifetime support)	\$2395	\$12,800	\$3900+ per meeting
	Flectronic Voting Committee		

Options

- Trials (Free with tech support)
- Rent
- Cost share with another municipality (Mendon is interested in this option)
- Purchase
- Grant funding

Universal Acclaim

- Town clerks and moderators approved
- Town clerks report only positive feedback from voters/requests for use of electronic voting
- Supports the purest form of democracy arguments, public discourse remain the same

Concerns

- Participation?
- Privacy regarding recording votes with names
- Security
- Staffing needs/costs
- Need?

Amendment to Bylaw:

- Provides for electronic voting to be the primary method of all votes WHEN devices are available
- Allows us to trial different devices
- Provides a reliable "back up" whenever devices are not available
- Requires 2/3 majority for bylaw change.

simple, accessible, universal



Title #2, Chapter 1, Section 11

When a question is put the sense of the meeting shall be determined by the voices thereon, and When a question is put, the vote shall be counted by electronic voting technology, if available. If electronic voting technology is not available then the Moderator shall call for a voice vote, and the Moderator shall call the vote as it appears to him.

Article 14 Motion

I move that the Town vote to amend Title II, Chapter 1, Section 11 of the Town of Upton General Bylaws as set forth in Article 14 of the 2019 Special Town Meeting Warrant.

- To see if the Town will vote to accept the provisions of General Laws Chapter 44, Section 53F3/4, establishing a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation by Town Meeting to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2021 which begins on July 1, 2020, or, to take any other action relative thereto.
- Explanation/Submitted by: According to the Division of Local Services, municipalities need to establish a special revenue fund known as the PEG Access and Cable Related Fund to fund PEG access programming, as well as certain other municipal cable-related expenses/ Town Clerk-Asst to Town Manager
- Recommendation: Favorable Action/Finance Committee

Article 15 Motion

 I move vote to accept the provisions of General Laws Chapter 44, Section 53F3/4, establishing a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation by Town Meeting to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2021 which begins on July 1, 2020, and, further to transfer any PEG Access and Cable-related receipts on the Town's books as of close of business on June 30, 2020 to said fund.

- To see if the Town will vote to amend the Upton Zoning Map to include a new district called the Upton Center Business District, and to amend the following sections of the Zoning By-Laws:
 - Section 2.0 Districts: by amending Section 2.1 to add a new Zoning District entitled "Upton Center Business District (UCBD)"; and by amending the official Upton Zoning Map referenced in Section 2.2 (1978 revised June 2008) to include the proposed Upton Center Business District.
 - Section 3.0 Use Regulations: by amending Section 3.1.1 Symbols, Section 3.1.3, Table A Table of Principal Uses by District, and Notes to Table A to include the proposed Upton Center Business District and designate the uses allowed within the District.
 - Section 4.0 Dimensional Regulations: by amending Table C: General Business and Commercial & Industrial District Lots and Notes for Table B through Table D to include the proposed Upton Center Business District.
 - Section 5.0 General Regulations: by adding a new Section 5.10.6 Parking Bylaw for UCBD.
 - Section 10 Definitions; by adding "Mixed-use facility".
- as set forth in the document entitled, "Upton Center Business District" and map, on file with the Town Clerk, or take any other action relative thereto.
- Explanation/Submitted by: The Economic Development Committee has been working on creating the
 necessary tools to implement the vision of a revitalized Upton Town Center as approved by voters at the
 May 2019 Annual Town Meeting. This article establishes an Upton Center Business District (UCBD) that
 includes properties shown in the map on file with the Town Clerk/Economic Development Committee

Handout for Article 16 Upton Center Business District

October 31, 2019



Making Our Shared Vision Possible

Why are we changing Zoning?

- Vision passed in May reflects values people expressed for Upton Center
- Existing zoning by-law doesn't allow Vision to be implemented
- Current zoning doesn't reflect current needs or uses
- New zoning will diversify tax base and nurture local businesses
- New zoning can improve quality of life for town residents

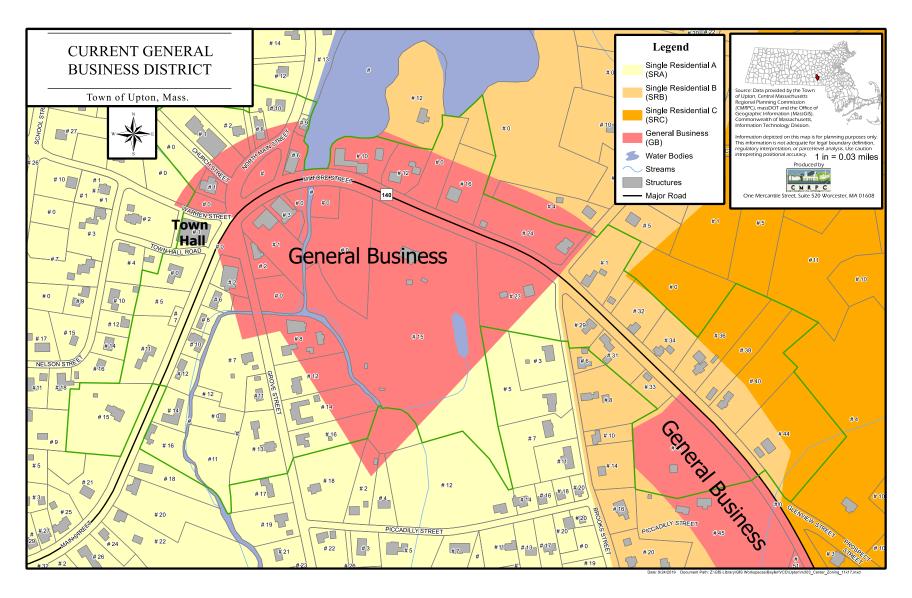
What's being changed?

- Proposed zoning by-law encourages mixed-use development,
 higher value uses and provides more options for property owners
- Proposed parking by-law encourages shared parking within UCBD where feasible and agreeable to all parties
 - subject to review by Planning Board
- Proposed changes were reviewed by:
 - Planning Board, ZBA, Code Enforcement, Fire and Police Chiefs,
 Conservation Commission, Finance Committee

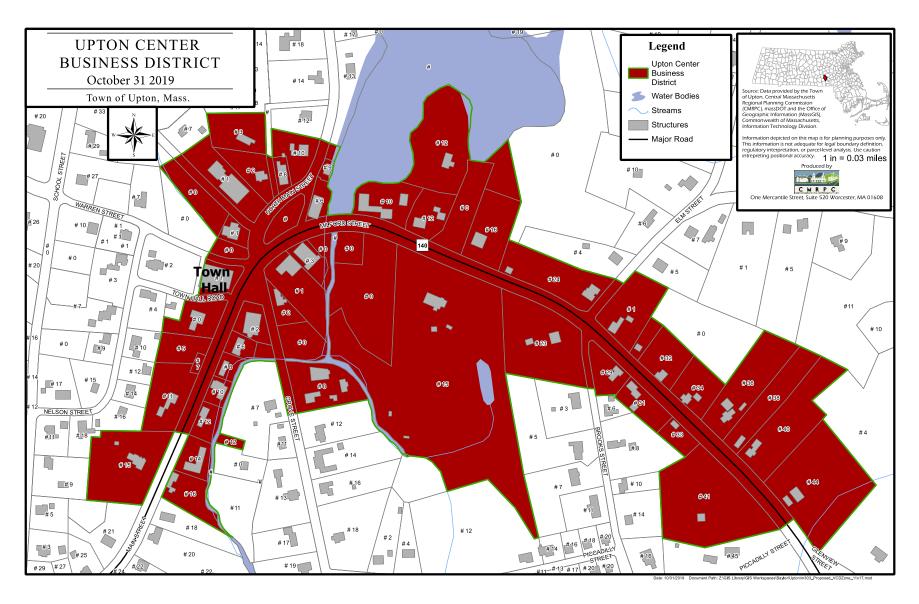
By-laws are enforced by Planning Board, ZBA and Code Enforcement

Approving UCBD Zone and by-laws will help increase tax base

Current Upton Center Zoning Map



Proposed Upton Center Business District Map



Some Questions

If my property is in proposed UCBD, will my taxes increase?

No. Your taxes will not change just because your property is located in the UCBD. See letter from Board of Assessors.

If my home should burn down, would I be able to replace it?

Yes. Most every property in the UCBD will be pre-existing, nonconforming. Replacing a home would clearly be allowed because you would not be changing the principal use.

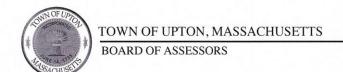
 Can I open an antique shop (or other similar small business) in my home?

Yes, this would be allowed (and encouraged) In the proposed UCBD zone. Not currently allowed in General Business or Residential Zones.

Can I convert my single-family home to two-family?

Yes, currently allowed with ZBA special permit. This would continue to be allowed with ZBA special permit in proposed UCBD.

Letter from Board of Assessors



October 30, 2019

To: Economic Development Committee: From: Board of Assessors

RE: The Committee's question regarding whether creating the Upton Center Business District will impact the property taxes of the properties included in the District:

If the proposed Upton Business Center District is created, the Assessors will not revalue the properties in the District just because the zoning rules applicable to the properties have changed.

Over time the changes in the District to permitted uses and other zoning rules may influence the selling prices of properties in the District. Since the Assessors revalue properties based on sales of similar properties, if there are changes in the selling prices of properties in the District as a result of the changes in the zoning rules, these sales will eventually impact how the Assessors revalue similar properties in the District. Use, style, age quality, condition, location are factors considered in identifying similar properties.

BOARD OF ASSESSORS William Taylor, Chairman Kelly McElreath James Earl DEPARTMENT COORDINATOR
Tracey Tardy
One Main Street • Suite 8 • Upton, MA 01568
T: 508.529.1002 • F: 508.529.1010
ttardy@uptonma.gov

More Questions

Do I have to share my parking lot?

No. The proposed Shared Parking by-law does not require shared parking. It encourages sharing of parking to help increase tax revenue. A shared parking agreement is a legally binding agreement between two willing parties. There would clearly be a financial incentive to do this.

Can I continue to use my auto repair shop as previously used?

Yes. It can be continued to be used for that purpose unless vacant or abandoned for 2 years.

Will proposed by-law create new controls over existing homes?

No. There are no new restrictions on existing homes. You can continue to make improvements or additions with currently required permits and approvals.

What about allowing businesses with drive-thrus?

Drive-thrus are not compatible with a walkable, pedestrian-friendly downtown. They are currently only allowed for banks and pharmacies with Planning Board approval and this is not changed in UCBD.

More Questions

Why are Design Standards not part of by-law?

Town Counsel has advised us that Design Standards (look and feel of new buildings) should be a regulation adopted by Planning Board rather than part of the by-law.

Does this make Upton Center a target for developers?

We are hoping that several reputable developers see the potential we have and would be interested in working with the town on the making the Vision a reality!

Will this prevent owners from tearing down historical buildings?

The proposed zoning by-law does not change the fact that the town cannot currently protect historical buildings.

Can I continue to have small animals on my property and would this still be allowed if property sold to a new owner?

Nonconforming uses may continue to operate, regardless of whether there is a change in ownership of the property on which the use is located unless vacant or abandoned for 2 years. Subject to Board of Health regulations.

PROPOSE THE FOLLOWING CHANGES TO CURRENT BY-LAW

- **2.1 ESTABLISHMENT**. For the purposes of this By-Law, the Town of Upton is divided into the zoning districts set forth below:
 - Single Residential A (SRA)
 - Single Residential B (SRB)
 - Single Residential C (SRC)
 - Single Residential D (SRD)
 - Agricultural Residential (AR)
 - General Business (GB)
 - Commercial & Industrial (C&I)
 - Municipal Government Facilities (MGF)
 - Upton Center Business District (UCBD)

- **3.1 TABLE OF PRINCIPAL USES.** No land shall be used and no structure shall be erected or used except as set forth in the following Table of Principal Uses, Table A, including the notes to Table A, or as otherwise set forth herein, or as exempted by General Laws. Any building or use of premises not herein expressly permitted is hereby prohibited.
- 3.1.1 <u>Symbols</u>. Symbols employed in the Table of Principal Uses shall mean:

Y = Permitted as of right

N = Prohibited

BA = Special Permit/Board of Appeals

PB = Special Permit/Planning Board

SRA = Single Residential A

SRB = Single Residential B

SRC = Single Residential C

SRD = Single Residential D

AR = Agricultural Residential

GB = General Business

C&I = Commercial & Industrial

MGF = Municipal Government Facilities

UCBD = Upton Center Business District

3.1.3 Table of Principal Uses: See Table A, below.

	Table A – Table of Principal Uses By District												
	Residential												
	Principal Uses	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	UCBD			
1	One-family house, with not more than one such house located on any lot.	Υ	Υ	Υ	Υ	Υ	ВА	ВА	N	N			
2	Conversion From Single Family to Two-Family Dwelling (SEE note 1)	ВА	ВА	ВА	ВА	ВА	ВА	ВА	N	ВА			
3	Bed and breakfast (up to 12 units), inns, boarding or lodging house but not including overnight cabins, motels, or hotels	ВА	ВА	ВА	ВА	N	ВА	ВА	N	ВА			
4	Senior Housing Community (SEE Section 7.4 for additional regulations)	РВ	РВ	РВ	РВ	РВ	N	N	N	N			
5	Townhouses and garden apartments (SEE Section 7.2 for additional regulations)	ВА	ВА	N	N	N	ВА	ВА	N	N			

	Agricultural									
	Principal Uses	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	UCBD
6	Open Space Preservation Subdivision (SEE Section 7.3 for additional regulations)	N	РВ	РВ	РВ	РВ	N	N	N	N
7	Farm, orchard, nursery or similar open use of the land for the raising of agricultural or horticultural crops, on less	Υ	Υ	Υ	Υ	Υ	Υ	Υ	N	N
8	The raising and/or keeping of livestock on less than five (5) acres.	N	N	N	N	ВА	ВА	ВА	N	N
9	The raising of hogs, pigs, or fur-bearing animals for commercial purposes on less than five (5) acres. (SEE	N	N	N	N	ВА	N	N	N	N
10	Salesroom or stand for the display and sale of agricultural, floricultural, viticultural or horticultural products including wine and dairy products where the majority of such products are grown on the premises (SEE note 2)	N	N	N	N	ВА	ВА	ВА	N	N
11	Riding stable for commercial purposes on less than five (5) acres	N	N	N	N	ВА	N	N	N	N

Zones:

SRA = Residential A

SRB = Residential B

SRC = Residential C

SRD = Residential D

AR = Agricultural Res.

GB = General Business

C&I = Commercial & Indust

MGF = Municipal Govt.

UCBD = Upton Center Bus.

Permit Granting Authority

BA = ZBA

PB = Planning Board

N = Use Not allowed

	Institutional, Educational and Municipal												
	Principal Uses	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	UCBD			
12	Use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation.	Υ	Y	Y	Y	Y	Υ	Υ	N	Υ			
13	Non-profit museum, art gallery or community center.	ВА	ВА	ВА	ВА	ВА	Υ	Υ	N	Υ			
14	Municipal administration buildings and uses, including town library, fire or police station, public works facility, sewer and water pump stations.	Υ	Υ	Υ	Υ	Υ	Υ	Υ	Y	Υ			
15	Municipal recreation or public water supply use.	Υ	Υ	Υ	Υ	Υ	Υ	Υ	Υ	Υ			
16	Child care facility, as defined in G.L. c. 40A, s.3	Υ	Υ	Υ	Υ	Υ	Υ	Υ	N	Υ			
17	Family day care home, as defined in G.L c. 28A, s.9	ВА	ВА	ВА	ВА	ВА	ВА	ВА	N	BA			
18	Cemetery	ВА	ВА	ВА	ВА	N	ВА	ВА	N	N			
19	Lodge building for use by private club, or other non-profit civic organization, Assembly Hall	ВА	ВА	ВА	ВА	N	ВА	N	N	ВА			

	Recreational									
	Principal Uses	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	UCBD
20	Golf course	N	N	N	N	ВА	Ν	N	N	Z
21	Boat Rental and Storage Facility	N	N	N	N	ВА	ВА	N	N	ВА
22	Country club	ВА	ВА	ВА	ВА	N	ВА	N	N	N
23	Place of amusement or assembly. (SEE note 5)	N	N	N	N	Ν	ВА	ВА	N	Y/BA

Zones:

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	Retail and Consumer Service								Retail and Consumer Service										
	Principal Uses	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	UCBD									
24	Retail Stores (SEE note 10)	N	N	N	N	N	Υ	Υ	N	Y/PB									
25	Vehicle Repair Shops and Vehicle-Related Businesses (SEE note 3)	N	N	N	N	N	ва	ВА	N	N									
26	Personal Services (SEE note 9)	N	N	N	N	N	Υ	Υ	N	Y/PB									
27	Eating and drinking Establishments (SEE note 8)	N	N	N	N	N	Υ	Υ	N	Υ									
28	Business or professional offices	N	N	N	N	N	Υ	Υ	N	Υ									
29	Banks and Pharmacies – without drive-thrus	N	N	N	N	N	Υ	Υ	N	Υ									
30	Showroom for building supplies, including plumbing, heating and ventilating equipment, with storage limited to floor samples only.	N	N	N	N	N	ва	ВА	N	ВА									
31	Showroom for boats, trailers, trucks, farm implements, or machinery, with no repair services.	N	N	N	N	N	ва	ВА	N	N									
32	Showroom for Wholesale Establishments	N	N	N	N	N	Υ	Υ	N	N									
33	Funeral home	N	N	N	N	N	Υ	Υ	N	N									
34	Planned Village Development																		
	(SEE Section 6.4 for additional regulations)	N	N	N	N	N	N	PB	N	N									
35	Drive-thru Establishments (SEE Section 6.5 for additional regulations)	N	N	N	N	N	РВ	РВ	N	РВ									
35A	Mixed Use facilities (See Note 12)	N	N	N	N	N	РВ	N	N	РВ									

Zones:

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	Utilities, Communication and Transportation									
	Principal Uses	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	UCBD
36	Personal wireless service facilities (SEE Section 6.2 for additional regulations)	РВ	РВ	РВ	РВ	РВ	РВ	РВ	РВ	N
37	Privately owned electrical substations and other utilities (not including power plants) that are intended to serve specific areas of town.	ВА	ВА	ВА	ВА	N	ВА	ВА	Y	N
38	Large-Scale Ground-Mounted Solar Photovoltaic Installations with Rated Nameplate Capacity of 250 kW DC to 500 kW DC and that occupy from 40,000 to 80,000 square feet of surface area (See Section 6.6 for additional regulations) (See Note 11)	N	N	N	N	N	N	Y	N	N
39	Large-Scale Ground-Mounted Solar Photovoltaic Installations with Rated Nameplate Capacity greater than 500 kW DC or that occupy more than 80,000 square feet of surface area (See Section 6.6 for additional regulations) (See Note 11)		N	N	N	N	N	РВ	N	N

	Industrial, Manufacturing and Storage									
	Principal Uses	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	UCBD
40	Establishment for the repair or storage of trailers, trucks, farm implements, or machinery. (SEE note 3)	N	N	N	N	N	N	ВА	N	N
41	Trucking terminal or motor freight station.	N	N	N	N	N	N	ВА	N	N
42	Storage facilities and warehouses. (SEE note 6)	N	N	N	N	N	ВА	ВА	N	N
43	Plant for light manufacturing or packaging.	N	N	N	N	N	N	ВА	N	N

Zones:

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BA = ZBA

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N = Use Not allowed

Notes to Table A:

- 5) Only the following amusement uses are allowed by right: fitness clubs, dance studios, driving ranges and miniature golf. In addition, the following amusement uses are allowed in the UCBD by special permit: video arcade, performing arts/concert venue, biking and pedestrian facilities, pottery/painting studio, or other similar amusement uses.
- 8) Restaurant or other place for the serving of food or beverage only to persons seated at tables or counter that does not offer drive-thru service are allowed by right.
- 9) Only the following personal or consumer service establishments are allowed by right: barber or beauty shop, collection station for laundry or dry cleaning, laundry facilities, photographic studio, shoe or hat repair shop, shop for custom work by dressmaker, milliner or tailor, bicycle repair shop, blueprinting establishment, business or trade school, clothing rental establishment, television or household appliance repair shop, computer repair shop, copy shop, day spa and massage therapists. In addition, the following personal services establishments are allowed in the UCBD by special permit: gym, fitness center, yoga and Pilates studio, acupuncture, esthetician, chiropractic, and other similar personal services establishments.
- 10) Only the following retail businesses are allowed by right: book, stationery or news store, cigar store, drug store, delicatessen, dry goods or variety store, florist or gift shop, fruit or grocery store, hardware store, jewelry store, meat market or wearing apparel store. In addition, the following retail business establishments are allowed in the UCBD by special permit: liquor store, music store, artist live/work spaces, art galleries, and other similar retail businesses.
- 12) Any apartment units that are part of a mixed-use facility shall not be subject the regulations set forth in Section 7.6, Accessory Apartments.

Table C: General Business, Commercial & Industrial and UCBD District Lots

	Minimu	um Lot	Mir	imum Setl	oack	Maxii	mum	
	Dimensio	n (Note	Requ	irements (Note 6)	Building	Height	
	Area	Front	Front	Side	Rear		Height	Max %
	Square	Linear	Linear	Linear	Linear	# of	Linear	Coverage
	Feet	Feet	Feet	Feet	Feet	stories	Feet	Including
District			(Note	(Notes	(Notes		(Note 8)	Accessory
			2)	4 & 9)	5 & 9)			Building
GB	(Note 7)	(Note 7)	30	10	20	2	25	40
C&I	(Note 7)	(Note 7)	30	20	20	1	25	40
UCBD	10,000	100	30 (See Note 10)	10 (See Note 10)	20 (See Note 10)	2 (See Note 10)	25 (See Note 10)	40 (See Note 10)

Notes for Table C:

- (10) For lots in the UCBD, the following dimensional flexibility may be allowed by special permit:
 - a. The minimum setbacks may be decreased down to the following limits:
 - Front Linear Feet: 0Side Linear Feet: 10
 - Rear Linear Feet: 20
 - b. The maximum building height may be increased up to the following limits:
 - # of stories: 3.5
 - Height Linear Feet: 50
 - c. The maximum % Coverage Including Accessory Building may be increased up to a limit of 80%.
 - d. The special permit granting authority (SPGA) for the above shall be the Board of Appeals except when the lot Principal Use requires a special permit of the Planning Board, in which case the SPGA for the above shall be the Planning Board.

Proposed Parking By-law Changes

New Parking By-law Section 5.10.6

5.10.6 Parking By-law for UCBD Only

5.10.6.1 Off-street Parking Requirements:

All new construction, substantial renovations and changes in principal use shall be subject to the offstreet parking requirements of section 5.10 of this bylaw, except as provided herein:

5.10.6.2 Shared Off-street Parking:

Shared off-street parking is encouraged and desirable wherever feasible within the UCBD. An applicant may request Shared Off-street Parking as part of **Site Plan Review**. Subject to review by the Plan**ning Board**, the off-street parking requirements required in section 5.10 of this bylaw, may be reduced as follows:

(a) Non-competing Uses.

In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for non-competing uses. Up to 75% of the requirements for the predominant use may be waived by the **Planning Board** if the applicant can demonstrate that the peak demands for the two uses do not overlap.

(b) Competing Uses.

In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the **Planning Board** may reduce the parking requirements of the predominant use by up to 30%.

Proposed Parking By-law Changes

(c) Calculating Minimum Number of Spaces.

The minimum number of parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved procedures. This study shall be reviewed and approved by the Planning Board.

A formal parking study may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.

Proposed Parking By-law Changes

(d) Shared Parking Plan.

The **Planning Board** may require that a shared parking plan be submitted. This could be included in the site plan and landscaping plan information already required for parking areas or as a separate document. If so, this shared parking plan could include one or more of the following:

- 1. Site plan of parking spaces intended for shared parking and their proximity to land uses that they will serve.
- 2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
- 3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible.
- 4. A safety and security plan that addresses lighting and maintenance of the parking areas.

(e) Shared Parking Agreement.

If a privately owned parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use of, and management of designated spaces may be required by the **Planning Board**.

Article 16 Motion

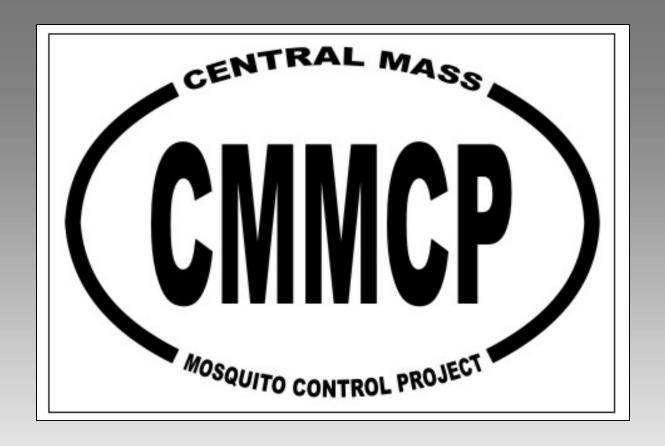
I move vote to amend the Town of Upton Zoning Bylaws and Map to include a new district called the Upton Center Business District ("UCBD") as set forth in the Article 16 handout entitled "Proposed Upton Center Business Center District and Map," dated October 31, 2019, but excluding from the UCBD the two landlocked properties on Grove Street identified as lot #0 and #11.and to amend the following sections of the Zoning By-Laws:

- Section 2.0 Districts: by establishing a new Zoning District entitled "Upton Center Business District (UCBD)"; Section 2.2 Map: by amending the official Upton Zoning Map (1978 revised June 2008) to include the proposed Upton Center Business District.
- Section 3.0 Use Regulations: by amending Table A Table of Principal Uses by District and Notes to Table A to include the proposed Upton Center Business District.
- Section 4.0 Dimensional Regulations: by amending Table C: General Business and Commercial & Industrial District Lots and Notes for Table B through Table D to include the proposed Upton Center Business District.
- Section 5.0 General Regulations: by adding a new Section 5.10.6 Parking By-law for Upton Center Business District.
- Section 6.5.3 (2): by adding the Upton Center Business District to the list of districts where drive-thru establishments are allowed by Special Permit.
- Section 10 Definitions; by adding "Mixed-use facility".

as set forth in the document entitled, "Proposed Upton Center Business District and Map" dated October 31, 2019, as made available at Special Town Meeting November 5, 2019, or take any other action relative thereto.

Article 17

- To see if the Town will vote to become a member in the Central Massachusetts Mosquito Control Project, pursuant to Massachusetts General Laws Chapter 252, Section 5A and any other applicable sections of said law, or take any action relative thereto.
- Explanation/Submitted by: Membership in CMMCP allows a full program of mosquito control to be accessed by residents and town officials if they so choose. These programs include Adulticiding, Larval Control, Public Education, Ditch Maintenance, Research & Efficacy, Wetland Restoration, Mosquito Surveillance, and Source reduction. These tools will reduce the population of mosquitoes that carry diseases that can threaten our community, pets and livestock. Residents are allowed to opt out of this program if they so wish. This program works in conjunction with the DPH, EPA, DEP and DAR/Board of Health



MOSQUITO CONTROL IN CENTRAL MASSACHUSETTS

TIMOTHY D. DESCHAMPS

Executive Director, CMMCP

MASSAC

INTRODUCTION

- State agency, 43 cities & towns in Middlesex & Worcester counties
- Overseen by State Reclamation & Mosquito Control Board

\$61,000 approximate annual cost

Scope of services:

- 1. Mosquito surveillance/Disease monitoring
- 2. Public education
- 3. Ditch maintenance

PROACTIVE

- 4. Larval control
- 5. Source reduction (tire recycling)
- 6. Beaver mitigation
- 7. Adult control

REACTIVE*

8. Research & Efficacy

CHECKS & BALANCES

^{*}Adult control can be considered proactive by reducing certain species before they can transmit virus



- No effects on honeybee populations*
- Beekeepers can register location & opt out of spraying
- GPS in trucks for locations
- Spraying is done after sunset

*https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0193535



HUMAN HEALTH RISK

- Residents can register location & opt out of spraying
- Notification system in place
- Consumer based pesticides: low risk & low use rates
- Use in pet products at higher rates

*http://www.mass.gov/eea/agencies/agr/pesticides/mosquito/mosquito-control-updates.html





- Buffer zones for sensitive areas
- No restrictions in endangered species habitat (NHESP)
- Federal NPDES permit requires investigation if notified – none to date (7 years)



Article 17 Motion

 I move that the Town vote to become a member in the Central Massachusetts Mosquito Control Project, pursuant to Massachusetts General Laws Chapter 252, Section 5A, effective July 1, 2020.

Article 18

- To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of Five-Hundred Thousand dollars (\$500,000.00), or any other sum, into the Stabilization Fund, or to take any other action relative thereto.
- Explanation/Submitted by: The Government Finance Officers Association recommends that municipalities maintain a stabilization account equal to or greater than two to three months of its operating expense or a minimum of 10%; bond ratings agencies review these ratios as a measure of financial strength; the Stabilization Account may be used for any legal purpose, including to maintain level services during difficult economic times or to serve as a funding source for important capital projects/Finance Committee
- Recommendation: Favorable Action/Finance Committee

Article 18 Motion

I move that the Town vote to transfer from Free Cash the sum of five-hundred thousand dollars (\$500,000.00) to the Stabilization Fund.

Article 19 Citizens Petition

1.0 PURPOSE

To PON ONL.
The production of thin-film single use plastic checkout bags has significant impacts on the environment, including, but not limited to contributing to the potential death of aquatic and land animals through ingestion and entanglement, contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling single use plastic exceeding storm drainage systems; requiring the use of multilons of gallons of crude oil nationally for their manufacture. The purpose of this bylaw is to protect the town's unique natural beauty and its water and natural resources by eliminating single use plastic checkout bags that are distributed in the Town of Upton and to promote the use of reusable bags.

2.0 SEVERABILITY

Each section, paragraph, sentence, clause, phrase and any other portion of this bylaw shall be construed as separate to the end that if any portion thereof shall be held invalid for any reason, then the remainder of the regulation shall remain in full force and

3.0 DEFINITIONS

- 3.1 "Agent", the Town of Upton Health Inspector
- 3.2 "Board of Health", the legally constituted Board of Health for the Town of Upton, or its authorized agents or representatives.
- 3.3 "Checkout Bag", a carryout bag with handles provided by a store to a customer at the point of sale. A Checkout bag shall not include:

Bags whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store; laundry or dry-cleaner bags; bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture

- 3.4 "Compostable plastic bag", a plastic bag that meets specific standards set by the American Society of Testing and Materials(ASTM) for biodegradability.
- 3.5 "Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the percentage of post-consumer recycled content in a visible manner on the outside of the bag.
 3.6 "Retail establishment", any retail space located in the Town of Upton including without limitation a restaurant, food or ice cream truck, convenience store, merchandise vendor, farm market, or supermarket.
- 3.7 "Reusable checkout bag", a sewn bag with handles, that is designed for multiple reuse and can carry 25 pounds over a distance of 300 feet. It can be either made of cloth fabric, durable plastic (more than 4 mils thick), or other durable material.
- 3.8 "Single Use Plastic Bag" shall mean a plastic bag including but not limited to bags with integral handles made of non-biodegradable plastic that is less than 4.0 mils in thickness and is intended for single-use transport of purchased items provided by an establishment to a customer at the point of sale.

4.0 REQUIREMENTS

- 4.1 If any retail establishment as defined in section 3 provides a checkout bag to customers, the bag shall comply with the requirements of being either a recyclable paper bag, a compostable plastic bag, or a reusable checkout bag. Single Use Plastic Bags are prohibited as of June 30, 2020.
- 4.2 The Board of Health may promulgate additional rules and regulations to implement this bylaw.

5.0 PENALTIES AND ENFORCEMENT

Each Retail Establishment shall comply with this bylaw:

- 5.1 If it is determined that a violation has occurred the Agent may issue a warning notice for an initial violation.
- 5.2 Any violation of the provisions of this bylaw may be enforced by non-criminal disposition pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D.
- 5.3 If an additional violation of this by-law has occurred within 30 calendar days after a warning notice has been issued for an initial violation, the Agent may issue a notice of violation and may impose a penalty against the Retail Establishment.5.4 The penalty for each violation that occurs after the issuance of the warning notice shall be:
 - \$50 for the second offense
 - \$100 for the third offense and \$200 for all subsequent offenses
 - 5.5 No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period

6.0 EFFECTIVE DATE

All the requirements set forth in this by-law shall take effect on June 30, 2020. In the event that compliance with the effective date of this bylaw is not feasible for a Retail Establishment, because of unavailability of compliant checkout bags or economic hardship, the Agent may grant a waiver of not more than six months upon application of the owner or the owner or the owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth

Submitted by: Laurie Wodin, Marcella Stasa et al.

Sustainable Upton

Single-use Plastic Bag Ban Town Meeting November 5th, 2019



Single-Use Plastic Bags

- Do not degrade
- Not recyclable in Upton
- Hazardous to human health

Single Use Plastic Bags

Over 50% of MA residents live in one of 122 towns with a ban

2 Billion used annually in MA-Only 1-9% recycled

#1 contaminate in our recycling system

Choke Wildlife and Ocean Animals

Made from Fossil Fuels

Surrounding Towns With Similar Bans

Plastic Bag Ban:

- Grafton
- Westborough
- Hopkinton
- Northborough
- Shrewsbury





Benefits

- Cleaner environment
- Healthier
- Encourages similar initiatives in other towns

Due to the new town by-law, we are raising our prices to cover the cost of more environmentally-friendly take-away materials. We hope that you agree that a cleaner Upton and world is everyone's responsibility.

Thank you.

Another Business for a Greener Upton

Reusable Bag Grant



If Article 19 bylaw passes, Sustainable Upton will write a grant for reusable bags which businesses in Upton will be able to give out in place of plastic bags, free of charge.

Please vote YES

Article 19 Motion - Citizens Petition

 I move that the Town to amend the Town of Upton General Bylaws as set forth in Article 19 of the 2019 Special Town Meeting Warrant.

Article 20 Citizens Petition

1. PURPOSE

Styrofoam is the brand name for polystyrene (trademarked by Dow Chemical Co.) a synthetic plastic that biodegrades so slowly (hundreds of years) it is considered to be non-biodegradable. Styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of probable human carcinogens (U.S. Department of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages. It has become a major component of plastic debris in the ocean and animals often mistake it for food. It is also hazardous to marine life, transferring toxic chemicals along the food chain. Expanded polystyrene containers are not part of the Town's regular recycling program. The purpose of this bylaw is to eliminate the distribution of expanded polystyrene containers by all food establishments in the Town of Upton.

2. SEVERABILITY

Each section, paragraph, sentence, clause, phrase and any other portion of this bylaw shall be construed as separate to the end that if any portion thereof shall be held invalid for any reason, then the remainder of the regulation shall remain in full force and effect.

3.0 DEFINITIONS3.1 "Agent", the Town of Upton Health Inspector

- 3.2 "Board of Health", the legally constituted Board of Health for the Town of Upton, or its authorized agents or representatives.
- 3.3 "Disposable Food Service Container" means a single-use disposable product for serving or transporting prepared, ready-to-consume food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, or utensils. It does not include single-use disposable packaging for unprepared foods.
- 3.4 "Food Establishment" means any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a food establishment for purposes of this bylaw.
- 3.5 "Expanded Polystyrene" means blown polystyrene (polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene
- monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded foam polystyrene).

 3.6 "Prepared Food" means any food or beverage prepared on the food establishment's premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment's premises.

4.0 REOUIREMENTS

- 4.1 Food establishments are prohibited from dispensing prepared food to customers in disposable food service containers made from expanded polystyrene.
- 4.2 Each Food Establishment as defined in Section 3, above, located in the Town of Upton shall comply with this bylaw as of January 1, 2020.
- 4.3 The Board of Health may promulgate additional rules and regulations to implement this bylaw.

5.0 PENALTIES AND ENFORCEMENT

Each Food Establishment shall comply with this bylaw:

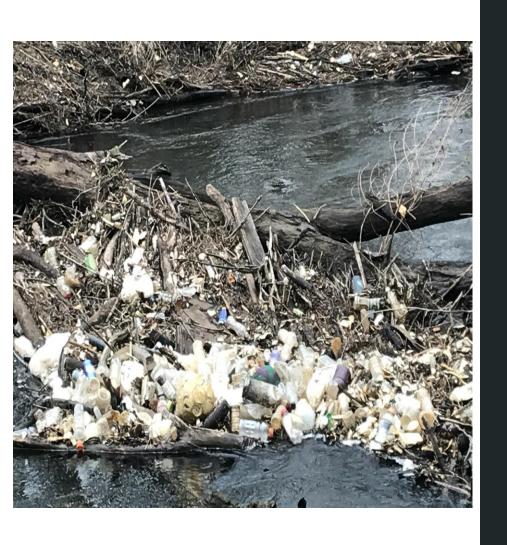
- 5.1 If it is determined that a violation has occurred the Agent may issue a warning notice for an initial violation.
- 5.2 Any violation of the provisions of this bylaw may be enforced by non-criminal disposition pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D.
- 5.3 If an additional violation of this bylaw has occurred within 30 calendar days after a warning notice has been issued for an initial violation, the Agent may issue a notice of violation and may impose a penalty against the Food Establishment. 5.4 The penalty for each violation that occurs after the issuance of the warning notice shall be:
- \$50 for the second offense
- \$100 for the third offense and \$200 for all subsequent offenses.
- 5.5 No more than one (1) penalty shall be imposed upon a Food Establishment within a seven (7) calendar day period.

All of the requirements set forth in this bylaw shall take effect on June 30, 2020. In the event that compliance with the effective date of this bylaw is not feasible for a Food Establishment, because of unavailability of compliant containers or economic hardship, the Agent may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth

Laurie Wodin, Marcella Stasa et al. Submitted by:

Sustainable Upton

Polystyrene Food Container Ban Town Meeting November 5th, 2019



Polystyrene Food Containers

Not recyclable in MA

Does not biodegrade

Non-renewable resource

Styrene leaches into food

Blackstone River
Photo credit: Kuldeep Singh

Polystyrene is listed as a probable human carcinogen on the National Toxicology list*

Manufacturing involves the use of toxic chemicals like naptha, a neurotoxin, and benzene, a known carcinogen**

Made from non-renewable fossil fuels

Causes starvation in wildlife who mistake it for food.

Major litter problem. Very light, so it blows around.

70,000, 000 foam cups used and disposed of every DAY in America

*U.S. Department of Health and Human Services

**National Institute of Health, World Health Organization

Surrounding Towns With Similar Bans

Styrofoam Ban:

- Grafton
- Northborough
- Shrewsbury

Votes pending in Upton and Westborough, fall, 2019





Alternatives

- Compostable products made from corn and paper etc.
- Reusable food containers
- Biodegradable containers

Please vote YES

Article 20 Motion - Citizens Petition

 I move that the Town vote to amend the Town of Upton General Bylaws as set forth in Article 20 of the 2019
 Special Town Meeting Warrant.

Article 21

- To see if the Town will vote to establish a new annual spending limit for FY 2020
- for the Land Stewardship Fund established under Section 6 of Title 2, Chapter 25, of the General Bylaws, in accordance with M.G.L. Chapter 44, §53E1/2, with such expenditure limit to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to change the same for the ensuing fiscal year; provided, however, that at the request of the Land Stewardship Committee, the Board of Selectmen, with the approval of the Finance Committee, may increase such limit, for that fiscal year only; or to take any other action relative thereto.

Authorized Revolving Funds (G.L. c.44, §53E ½)	Fiscal Year Expenditure Limit
Land Stewardship Fund	\$10,000

- Explanation/Submitted by: To approve a new spending limit for the Land Stewardship revolving fund, to be applicable from year to year unless later changed by Town Meeting. No other changes are intended to the expenditure limits for other revolving funds previously approved by Town Meeting/Land Stewardship Committee
- Recommendation: Favorable Action/Finance Committee

Article 21 Motion

I move that that the Town vote to approve Article 21 as set forth in the warrant, amending the annual spending limit for FY 2020 "Land Stewardship" revolving fund established in Section 7 of Title 2, Chapter 25, of the General Bylaws.